

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

NICOLE P. ERAMO))
Plaintiff) Case No. 3:15-cv-00023-GEC
v.)
ROLLING STONE LLC, SABRINA RUBIN ERDERLY, and WENNER MEDIA LLC,)
Defendants.)

**PLAINTIFF'S MOTION FOR AN ORDER TO SHOW CAUSE AND TO COMPEL
COMPLIANCE WITH RULE 45 SUBPOENA AND COURT ORDER**

In accordance with the Court's January 25, 2016 Order, No. 3:15-MC-00011 [Dkt. 35] and Memorandum Opinion, No. 3:15-MC-00011 [Dkt. 34] and pursuant to Federal Rules of Civil Procedure 34(c), 45(e), and 45(g), Movant Nicole Eramo, Plaintiff in the case of *Eramo v. Rolling Stone LLC, et al.*, No. 3:15-cv-00023-GEC, hereby files this Motion for an Order to Show Cause and to Compel Compliance with Rule 45 Subpoena and Court Order of January 25, 2016, and requests this Court to order "Jackie"¹, a nonparty who was the principal source for *Rolling Stone*'s widely publicized and defamatory article that is the subject of this action, to produce documents sought in Plaintiff's July 27, 2015 Rule 45 Subpoena and as ordered by this court on January 25, 2016. In support of this Motion and pursuant to Local Rule 11(c)(1), Plaintiff relies on the arguments and authorities set forth in her March 29, 2016 Memorandum of Law in Support of her

¹ As in previous briefing before the Court and out of deference to the requests of Jackie's counsel in the continuing spirit of cooperation and good faith, Plaintiff herein is referring to this nonparty only as "Jackie," the moniker *Rolling Stone* used for her in the article at issue.

Motion for an Order to Show Cause and to Compel Compliance with Rule 45 Subpoena and Court Order of January 25, 2016, which is being filed concurrently herewith.

In accordance with Federal Rule of Civil Procedure 37(a)(1), the undersigned counsel certifies that counsel for Movant Eramo conferred by letter and email with counsel for Respondent "Jackie" prior to the filing of this Motion, that counsel for the Movant made a good faith effort to resolve the discovery matters at issue, and that Movant and Respondent were unable to resolve the issue.

WHEREFORE, Movant Nicole Eramo respectfully requests that the Court grant her Motion for an Order to Show Cause and to Compel Compliance with Rule 45 Subpoena and Court Order of January 25, 2016, order Jackie to comply with the January 25, 2016 Court Order, provide specific and detailed explanations to the extent that Jackie claims that responsive documents are no longer in her possession, custody, or control, and award reasonable attorney's fees and other costs associated with this motion.

Dated: March 29, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Nicole Eramo's Motion for an Order to Show Cause and to Compel Compliance with Rule 45 Subpoena and Court Order of January 25, 2016 on March 29, 2016 via ECF (for those attorneys that have registered), or by email and Federal Express (for those attorneys that have not).

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